IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (Lodg.) NO. 489 OF 2007

IN

SUMMONS FOR JUDGMENT NO. 90 OF 2007

IN

SUMMARY SUIT NO. 3395 OF 2006

Rahul Jagdish Gupta..... ... Appellant.
Versus
Rajendra Nemichand Kothari.. .... Respondent.

Mr. Ajay Khandeparkar i/by Mr. S.R.Saudagar
for the Appellant.
Mr. K. K. Tated for the Respondent.

CORAM : SWATANTER KUMAR, C.J. &
SMT.RANJANA DESAI, J.

DATED : 3RD JULY, 2007.

P.C.:

During the course of the hearing of the present appeal, learned Counsel appearing for the parties, upon instruction from the respective clients, stated that the appeal could be disposed of by a consented terms. The agreed terms are :

(a) The judgment and decree passed in Summary Suit No. 3395 of 2006 inter se the parties shall stand affirmed in appeal. However, in the event,

the appellant in this appeal pays in four equal instalments the entire amount of Rs.13,00,000/- then the entire decretal amount shall stand satisfied.

(b) The first instalment shall be payable by 15th August, 2007 and the subsequent instalments would be paid by the 15th day of each subsequent month.

(c) In the event of default in payment of any of the instalments or dishonouring of the cheque, if given in discharge of the amount of instalments as stated above, the entire decretal amount with interest then remaining due, shall become due and recoverable. In that event the respondent - decree holder shall be entitled to execute the decree for recovery of the amount then remaining due and payable under the decree.

(d) Upon payment of the entire amount as aforestated, the complaint filed by the respondent herein under Section 138 of the Negotiable Instruments Act shall be withdrawn or will be deemed to have been dismissed as withdrawn by the Court. Till that time, proceedings of the criminal complaint will be deferred.

(e) Once the entire amount is paid as aforestated, the distribution rights of the film in relation to Rajasthan territory shall be allotted to the appellant and the respondent will have no objection thereto.

(f) Other terms of the decree will remain unchanged.

2. We dispose of the appeal in the above consented terms by leaving the parties to bear their own costs.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.